

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM OLIVER,

Plaintiff,

v.

ZIMMER, INC., *et al.*,

Defendants.

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No. 4:13CV01478 ERW

MEMORANDUM AND ORDER

On August 21, 2015, the Court held a hearing on Plaintiff's Motion to Appoint Counsel. Plaintiff failed to appear at the hearing, and the Court denied the motion. Subsequently, the Court received a communication from Plaintiff in which he explained he had failed to understand the Court's Order setting the August 21st hearing, and had not believed his attendance was required.

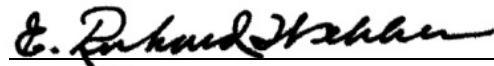
Given Plaintiff's position as a pro se litigant, and the formal language used by the Court in its Order setting the August 21st hearing, the Court will provide Plaintiff with another opportunity to appear and make argument in support of his Motion to Appoint Counsel. Therefore, the Court's previous ruling from the August 21st hearing, denying the Motion to Appoint Counsel and ordering Plaintiff to file a Response showing cause as to "why [D]efendants' motion to dismiss should not be granted," is vacated [*See* ECF No. 43].

The new hearing for argument on Plaintiff's Motion to Appoint Counsel will be held on Thursday, September 17, 2015, at 10:00 a.m., at the Thomas F. Eagleton Courthouse, 111 South 10th Street, St. Louis, MO 63102, in Courtroom 17 South. Plaintiff is ordered to appear at that time and place to argue in support of his Motion to Appoint Counsel. To avoid any additional

travel costs, counsel for Defendants may appear by telephone.

It is so Ordered.

Dated this 28th Day of August, 2015.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written over a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE